

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 9, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

HAWAII

Issuance of Right-of-Entry Permit to University of California-Berkeley onto State Lands at Makeanehu, Kaihooa-Pahinahina, North Kohala, Hawaii, Tax Map Key: 3rd/ 5-8-01: 6 & 12; 5-9-03: 1 & 4; and 5-9-04: 8.

APPLICANT:

University of California at Berkeley, whose business and mailing address is 2251 College Building, Berkeley, CA 94720-1076.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION/ ZONE/ ENCUMBRANCE/ AREA:

Portion of Government lands situated at Makeanehu, Kaihooa-Pahinahina, North Kohala, Hawaii, identified by Tax Map Key: 3rd/ 5-8-01: 6 & 12; 5-9-03: 1 & 4; and 5-9-04: 8, as shown on the attached map labeled Exhibit A.

TAX MAP KEY	DISTRICT	ZONING		ENCUMBRANCES	AREA (Acres)
		LUC	CZO		
3 rd / 5-8-01: 6	Makeanehu, N. Kohala	Agriculture	Agriculture	Revocable Permit No. S-7153; Parker Ranch	281.47
3 rd / 5-8-01: 12	Makeanehu, N. Kohala	Conservation	Agriculture	Vacant	73.00
3 rd / 5-9-03: 1	Kaihooa-Pahinahina, N. Kohala	Cons/Urban	Agriculture	Vacant	535.153
3 rd / 5-9-03: 4	Kaihooa-Pahinahina, N. Kohala	Agriculture	Agriculture	General Lease No. S-5599; Ponoholo Ranch	4,691.020
3 rd / 5-9-04: 8	Kokio-Kalala 2 nd , N. Kohala	Agriculture	Agriculture	General Lease No. S-5599; Ponoholo Ranch	394.230

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7226, to Parker Ranch, Lessee, for pastoral purposes.

Encumbered by General Lease No. S-5599, to Ponoholo Ranch, Lessee, for pastoral purposes.

CHARACTER OF USE:

For investigation, study, and survey of prehistoric agricultural and habitation sites purposes.

TERM OF RIGHT-OF-ENTRY:

For two (2) months, commencing on July 1, 2008 to August 31, 2008

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1 that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Not applicable

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from Parker Ranch, Ponoholo Ranch, and all other users of the subject lands.
- 2) Consult with the Division of Historic Preservation on all archaeological activities.

REMARKS:

At its meeting of May 11, 2007, the Board of Land and Natural Resources, under Item D-5, approved a right-of-entry to the University of California-Berkeley to enter State lands at Makeanehu, Kaihooa-Pahinahina, North Kohala. Purpose of the permit was to allow a collaborative project directed by Dr. Patrick Kirch (University of California-Berkley), and accompanied by Drs. Michael Graves (University of Mexico), Dr. Julie Field (Ohio State University), Dr. Thegn Ladeforged (University of Auckland), and Dr. Peter Vitousek (Stanford), to analyze prehistoric dryland and irrigated wetland agricultural systems in Kohala, and collect data pertaining to households and population growth in prehistory.

By letter dated January 29, 2008, Dr. Julie S. Field, Assistant Professor, with the Archaeological Research Facility, Ohio State University, on behalf of the University of California-Berkeley, requested a right-of-entry onto State lands at Makeanehu and Kaihooa to Pahinahina, North Kohala, Hawaii, Tax Map Key: 3rd/ 5-8-01: 6 & 12, 5-9-03: 1 & 4, and 5-9-04: 8. Purpose of this request is to obtain permission to enter State lands in North Kohala to conduct their annual archaeological research. This project funded by the National Science Foundation is part of their Human Social Dynamics research program, a continuation of previously completed archaeological works in Kohala by Drs. Kirch, Graves, Field, Ladeforged, and Vitousek. The research involves coastal survey and mapping for the identification and surface recording of residential and ceremonial/ religious sites. The work will also attempt to compare the occupation of the coastline with the sweet potato field system in the mauka areas. All our archaeological survey protocol is consistent with Hawaii Administrative Rules, Chapter 13-276, Rules Governing Standards for Archaeological Inventory Surveys and Reports.

On February 7, 2008, a request for comments was sent to OHA. To date, no response has been received.

As in the previous requests, Parker Ranch, Ponoholo Ranch, and the Division of Historic Preservation have been consulted and do not object to the project and/or its proposed archaeological activities.

Staff is of the understanding that no entity involved intends to profit monetarily from its use, therefore meets requirements for a waiver of rent.

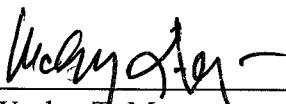
Staff has no objections to the request.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the University of California-Berkeley, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Authorize the Chairperson to issue future rights-of-entry to the Applicant in relation to its investigation, study, and survey of prehistoric agricultural and habitation sites purposes;
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent

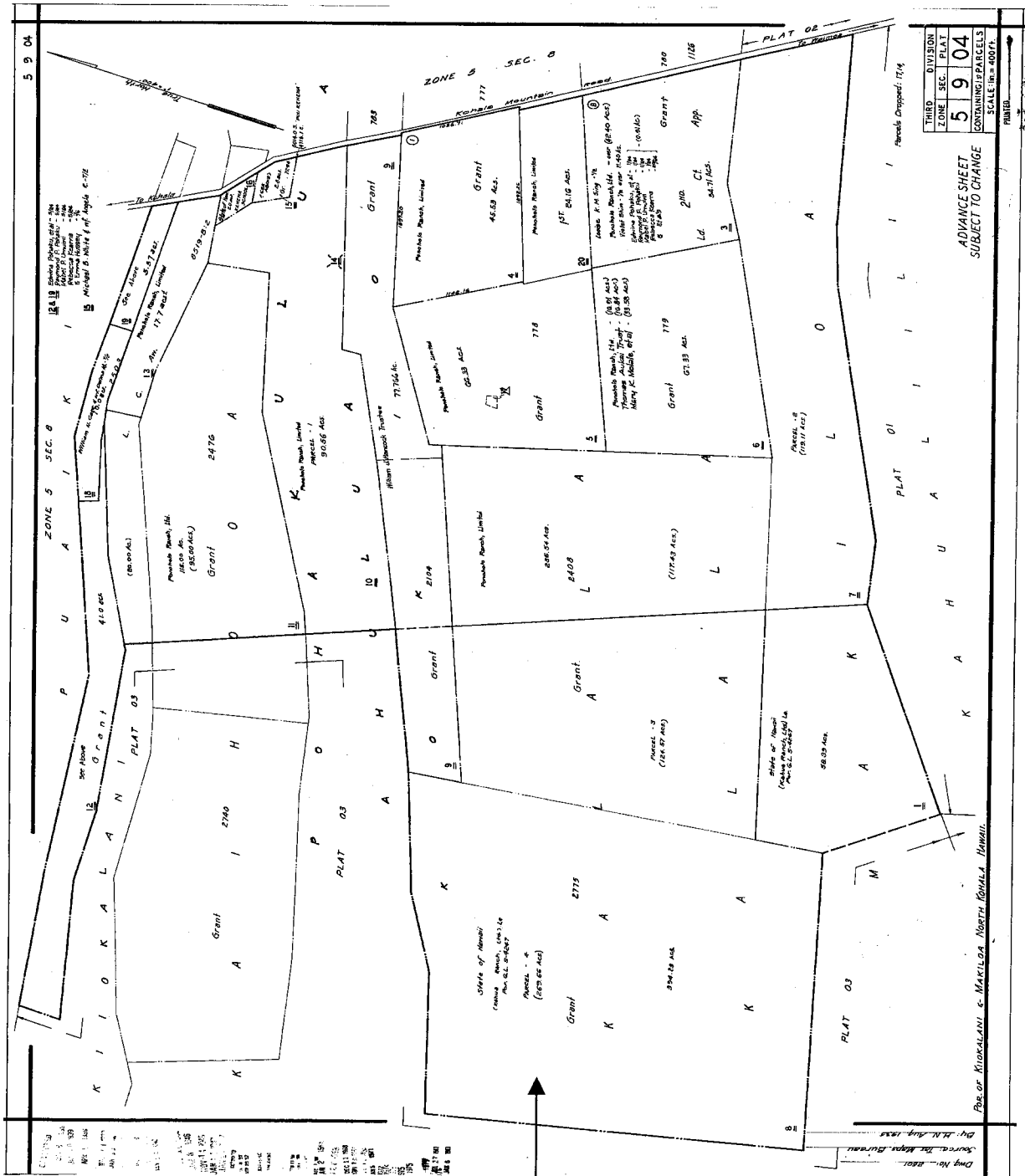
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson







Subject

EXHIBIT A